

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Thomas D'Andrea,

Plaintiff,

v.

Civil No. 14-3139 (JNE/FLN)
ORDER

Washington County,

Defendant.

In a Report and Recommendation dated August 14, 2014, the Honorable Franklin L. Noel, United States Magistrate Judge, recommended that Plaintiff's application for leave to proceed in forma pauperis be denied and that this action be dismissed without prejudice. Plaintiff did not object. Based on a de novo review of the record, the Court adopts the Report and Recommendation [Docket No. 3]. *See* D. Minn. LR 72.2(b).

On September 2, 2014, Plaintiff filed a notice of appeal and an application to proceed in forma pauperis on appeal. The Court denies the application to proceed in forma pauperis on appeal because the appeal is frivolous.

Based on the files, records, and proceedings herein, and for the reasons stated above, IT IS ORDERED THAT:

1. Plaintiff's application to proceed in forma pauperis [Docket No. 2] is DENIED.
2. This action is DISMISSED WITHOUT PREJUDICE pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).
3. Plaintiff's application to proceed in forma pauperis on appeal [Docket No. 5] is DENIED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: September 5, 2014

s/Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge